

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PRINIR (HADAS 1987) LTD,

Plaintiff,

v.

CONAGRA FOOD PACKAGED FOODS
COMPANY, INC.,

Defendant.

CIVIL ACTION NO. 08-914 (JLL)

ORDER

LINARES, District Judge.

On November 21, 2008, The Honorable Claire C. Cecchi, United States Magistrate Judge, entered a Report and Recommendation granting Defendant's motion to transfer venue to the United States District Court for the District of Nebraska. (Docket Entry #30.) A Magistrate Judge must issue a Report and Recommendation when addressing dispositive motions. N.J. Local Civ. R. 72.1(a)(2). After issuance, the parties have ten days to object and all portions of the Report to which objections have been made are subject to *de novo* review by the District Court. For all other non-dispositive matters, a Magistrate Judge's opinion is final and is subject to the appeal process set forth by Local Civil Rule 72.1(c)(1).

A motion to transfer venue pursuant to 28 U.S.C. § 1404(a) is a non-dispositive pretrial matter. "This is true 'because it can only result in the transfer of a case to another federal district, not in a decision on the merits or even a determination of federal jurisdiction.' " Berg v. Aetna Freight Lines, No. 07-cv-1393, 2008 WL 2779394, at *1 n.1 (W.D.Pa. July 15, 2008) (collecting cases) (citing Adams v. Key Tronic Corp., No. 94 Civ. A0535, 1997 WL 1864, at *1 (S.D.N.Y.

Jan. 2, 1997). This Court shall therefore treat Judge Cecchi's Report and Recommendation regarding Defendant's motion to transfer venue as a final decision on a non-dispositive matter. Plaintiff can appeal her decision as per the guidelines set forth in Local Civil Rule 72.1(c)(1).

Finally, on December 3, 2008, Plaintiff requested a 30-day extension to file objections to Judge Cecchi's Report and Recommendation. Because the Court is treating her decision as final, objections are no longer warranted. However, the Court grants Plaintiff an additional 30 days to file an appeal from Judge Cecchi's decision. Thus, the deadline to appeal her decision is now January 5, 2009.


IT IS THEREFORE on this 5th day of December, 2008,

ORDERED that Judge Cecchi's Report and Recommendation, issued on November 21, 2008 (Docket Entry # 30) is a final opinion granting Defendant's motion to transfer venue; and

IT IS FURTHER ORDERED that Plaintiff is granted a 30-day extension to file an appeal to the November 21, 2008 Report and Recommendation such that the appeal is due on January 5, 2009; and

IT IS FURTHER ORDERED that the this matter will not be transferred to the District of Nebraska until after Plaintiff's appeal is resolved.

SO ORDERED.



Jose L. Linares
United States District Judge